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New York State Professional Fire Fighters Association, Inc.

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December 9, 2003

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Marlene H. Dorch
Federal Communications Commission
445 12th Street, SW
Washington, D C 20554

Re Support for the Consensus Plan for 800MHz Realignment
Ex Parte, WT Docket No 02-55

Dear Ms Dorch:

On behalf of the New York State Professional Fire Fighters Association, an association representing approximately 25,000 members in 103 Locals in various cities, villages and towns throughout New York State, I strongly urge adoption of the above referenced Consensus Plan.

First responders in New York State and across the nation are increasingly at risk because their public safety radio communications are vulnerable to interference from cellular phones. As cellular usage increases, the risk of garbled or blocked police, fire and other public safety communications increases. First responders also urgently need more 800 MHz spectrum to have "interoperable" communications among police and fire fighters and among neighboring jurisdictions. Adoption of the Consensus Plan would resolve these concerns.

We also note that adoption of this plan is supported by New York State Association of P B A.s, the New York State Association of Fire Chiefs, the New York State Division of State Police, the Association of Public Safety Communications Officials International, Inc. the International Association of Fire Chiefs, Inc., the International Municipal Signal Association, the Major County Sheriffs Association and the National Sheriffs' Association.

The Consensus Plan offers the only real, near-term solution to existing radio problems. The Plan provides a comprehensive solution that addresses interference to public safety systems, allocates additional spectrum for public safety needs, provides private funding to compensate licensees that may need to relocate new channels as the result of the Plan, and ensures that all affected

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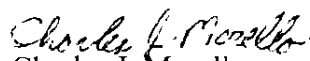
licensees receive equivalent replacement spectrum as part of the spectrum swaps called for by the Consensus Plan

Other proposals that have been made to the FCC fall short and must be rejected. The UTC/cellular "plan" ignores the problems faced by public safety communicators and suggests that case-by-case, after the fact solutions could be found once interference manifests itself. Responding only after –the-fact to the problems affecting time-critical public safety services is not acceptable, since a single interference incident can jeopardize the lives of emergency personnel and the citizens they serve.

Section 1 of the Communications act of 1934 provides that the FCC is to "promot[e] safety of life and property through the use of wire and radio communication " The Consensus Plan would greatly advance this vital objective. It has been over eighteen months since the FCC began its public safety spectrum proceeding and well over one year since the Consensus Plan was submitted. Supporters of the Plan have recently addressed the remaining implementation details associated with the Plan

We urge the FCC to act expeditiously and adopt in full terms the Consensus Plan.

Very truly yours,


Charles J. Morello,
President